

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Steven D. Girouard et al.

Title: METHOD AND APPARATUS FOR CELL AND ELECTRICAL THERAPY OF LIVING TISSUE

Docket No.: 279.597US1

Filed: November 25, 2003

Examiner: Unknown

Serial No.: 10/722,115

Due Date: N/A

Group Art Unit: 1744

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



We are transmitting herewith the following attached items (as indicated with an "X"):

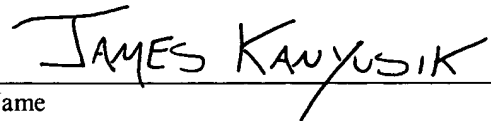
- ☒ A return postcard.
- ☒ A Supplemental Information Disclosure Statement (2 pgs.), Form 1449 (3 pgs.), and copies of 30 cited documents.
- ☒ International Search Report (10 pgs.).

If not provided for in a separate paper filed herewith, Please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
Customer Number 21186

By: 
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SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
(GENERAL)

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Serial No :10 722,115

Filing Date: November 25, 2003

Title: METHOD AND APPARATUS FOR CELL AND ELECTRICAL THERAPY OF LIVING TISSUE

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The present application is a U.S. national patent application filed after June 30, 2003. Thus, Applicant believes that the U.S. Patent & Trademark Office has waived the requirement under 37 C.F.R. 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication. The waiver is provided in a pre-OG notice from the U.S. Patent & Trademark Office entitled "Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003" and dated July 11, 2003. Applicant acknowledges the requirement to submit copies of foreign patent documents and non-patent literature in accordance with 37 C.F.R. 1.98(a)(2).

The Examiner is invited to contact the Applicants' Representative at the below-listed telephone number if there are any questions regarding this communication.


Respectfully submitted,

STEVEN D. GIROUARD ET AL.

By their Representatives,

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JAMES KAUYUSIK
Name


Signature

S/N 10/722,115

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Steven D. Girouard et al. Examiner: Unknown
Serial No.: 10/722,115 Group Art Unit: 1744
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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

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In compliance with the duty imposed by 37 C.F.R. § 1.56, and in accordance with 37 C.F.R. §§ 1.97 *et. seq.*, the enclosed materials are brought to the attention of the Examiner for consideration in connection with the above-identified patent application. Applicants respectfully request that this Supplemental Information Disclosure Statement be entered and the documents listed on the attached Form 1449 be considered by the Examiner and made of record. Pursuant to the provisions of MPEP 609, Applicants request that a copy of the 1449 form, initialed as being considered by the Examiner, be returned to the Applicants with the next official communication.

Eleven of the attached documents were discovered as a result of a Search Report in Applicants' corresponding foreign patent application. Enclosed for the Examiner's information is a copy of these cited documents and the Search Report.

Pursuant to 37 C.F.R. §1.97(b), it is believed that no fee or statement is required with the Supplemental Information Disclosure Statement. However, if an Office Action on the merits has been mailed, the Commissioner is hereby authorized to charge the required fees to Deposit Account No. 19-0743 in order to have this Supplemental Information Disclosure Statement considered.

Substitute for form 1449A/PTO
**INFORMATION DISCLOSURE
 STATEMENT BY APPLICANT**
 (Use as many sheets as necessary)

Complete if Known

Application Number	10/722,115
Filing Date	November 25, 2003
First Named Inventor	Girouard, Steven
Group Art Unit	1744
Examiner Name	Unknown

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US PATENT DOCUMENTS

Examiner Initial *	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Filing Date If Appropriate
	US-2002/0115208 A1	08/22/2002	Mitchell, Shannon, et al.	08/16/2001
	US-2003/0065379 A1	04/03/2003	Babbs, Charles F., et al.	11/04/2002
	US-2003/0216811 A1	11/20/2003	Badylak, Stephen F.	05/02/2003
	US-2003/0216812 A1	11/20/2003	Badylak, Stephen F.	05/02/2003
	US-2004/0006395 A1	01/08/2004	Badylak, Stephen F.	05/02/2003
	US-2004/0043006 A1	03/04/2004	Badylak, Stephen F., et al.	08/27/2002
	US-2004/0047909 A1	03/11/2004	Ragheb, Anthony O., et al.	04/14/2003
	US-2004/0158290 A1	08/12/2004	Girouard, S. D.	11/25/2003
	US-4,902,508	02/20/1990	Badylak, Stephen F., et al.	07/11/1988
	US-5,275,826	01/04/1994	Badylak, Stephen F., et al.	11/13/1992
	US-5,336,252	08/09/1994	Cohen, D. M.	06/22/1992
	US-5,352,463	10/04/1994	Badylak, Stephen F., et al.	11/13/1992
	US-5,554,389	09/10/1996	Badylak, Stephen F., et al.	04/07/1995
	US-5,609,629	03/11/1997	Fearnot, Neal E., et al.	06/07/1995
	US-5,824,049	10/20/1998	Ragheb, Anthony O., et al.	10/31/1996
	US-6,050,980	04/18/2000	Wilson, Joseph E.	08/03/1998
	US-6,096,347	08/01/2000	Geddes, Leslie A., et al.	05/04/1999
	US-6,272,377	08/07/2001	Sweeney, R. J., et al.	10/01/1999
	US-6,287,285	09/11/2001	Michal, Eugene T., et al.	01/29/1999
	US-6,475,232	11/05/2002	Babbs, Charles F., et al.	06/10/1999
	US-6,541,116	04/01/2003	Michal, Eugene T., et al.	04/06/2001
	US-6,653,291	11/25/2003	Badylak, Stephen F., et al.	02/17/1995
	US-6,656,517	12/02/2003	Michal, Eugene T.	07/25/2001
	US-6,735,471	05/11/2004	Hill, M. R., et al.	09/26/2001

EXAMINER

DATE CONSIDERED

Substitute Disclosure Statement Form (PTO-1449)
 * EXAMINER Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional) 2 Applicant is to place a check mark here if English language Translation is attached

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Group Art Unit	1744
Examiner Name	Unknown

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Attorney Docket No: 279.597US1

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Foreign Document No	Publication Date	Name of Patentee or Applicant of cited Document	T ²
	EP-0633031A1	01/11/1995	Vaschon, David	
	WO-98/02150A1	01/22/1998	Stokes, K., et al.	
	WO-98/15317A1	04/16/1998	Prutchi, D., et al.	
	WO-00/27466A1	05/18/2000	Conrad-Vlasak, D., et al.	
	WO-00/54661A1	09/21/2000	Saadat, V.	
	WO-00/74584A1	12/14/2000	No Inventor Listed	
	WO-01/03750A2	01/18/2001	Naughton, Gail K., et al.	
	WO-2004/024206A1	03/25/2004	New, Gishel, et al.	
	WO-2004/030706A2	04/15/2004	Law, Peter K.	
	WO-2004/050180A2	06/17/2004	Girouard, S. D., et al.	

OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		ALLMAN, AMY J., et al., "Xenogeneic Extracellular Matrix Grafts Elicit a TH2-Restricted Immune Response", <u>Transplantation</u> , 71(11), (June 15, 2001),1631-40	
		BADYLAK, STEPHEN, et al., "Extracellular Matrix for Myocardial Repair", <u>Heart Surgery Forum</u> , 6(2), (2003),E20-6	
		BADYLAK, STEPHEN F., et al., "Marrow-Derived Cells Populate Scaffolds Composed of Xenogeneic Extracellular Matrix", <u>Experimental Hematology</u> , 29(11), (November 2001),1310-8	
		BADYLAK, STEPHEN F., et al., "Resorbable Bioscaffold for Esophageal Repair in a Dog Model", <u>Journal of Pediatric Surgery</u> , 35(7), (July 2000),1097-1103	
		BADYLAK, STEPHEN F., "The Extracellular Matrix as a Scaffold for Tissue Reconstruction", <u>Seminars in Cell Developmental Biology</u> , 13(5), (October 2002),377-83	
		GABOUEV, A I., et al., "In Vitro Construction of Urinary Bladder Wall Using Porcine Primary Cells Reseeded on Acellularized Bladder Matrix and Small Intestinal Submucosa", <u>The International Journal of Artificial Organs</u> , 26(10), (October 2003),935-42	
		GIROUARD, S. D., et al., "METHOD AND APPARATUS FOR DEVICE CONTROLLED GENE EXPRESSION", <u>US Patent Application Ser. No. 10/788,906</u> , filed February 27, 2004 (Attorney Docket No. 279.696US1), 80 Pages	
		GIROUARD, S. D., et al., "METHOD AND APPARATUS TO MODULATE CELLULAR REGENERATION POST MYOCARDIAL INFARCT", <u>US Patent Application Ser. No. 10/862716</u> , filed June 7, 2004 (Attorney Docket No. 279.697US1), 71 Pages	

EXAMINER**DATE CONSIDERED**

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Examiner Name	Unknown

Sheet 3 of 3

Attorney Docket No: 279.597US1

OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		HODDE, JASON P., et al., "Retention of Endothelial Cell Adherence to Porcine-Derived Extracellular Matrix After Disinfection and Sterilization", <u>Tissue Engineering</u> , 8(2), (April 2002),225-34	
		INGBER, DONALD E., "Mechanical Signaling and the Cellular Response to Extracellular Matrix in Angiogenesis and Cardiovascular Physiology", <u>Circulation Research</u> , 91(10), (November 15, 2002),877-87	
		KRUM, HENRY , "New and Emerging Pharmacological Strategies in the Management of Chronic Heart Failure", <u>Current Opinion in Pharmacology</u> , 1(2), (April 2001),126-33	
		MCPHERSON, T B., et al., "Galalpha(1,3)Gal Epitope in Porcine Small Intestinal Submucosa", <u>Tissue Engineering</u> , 6(3), (June 2000),133-9	
		MEEZAN, ELIAS, et al., "A Simple, Versatile, Nondisruptive Method for the Isolation of Morphologically and Chemically Pure Basement Membranes from Several Tissues", <u>Life Sciences</u> , 17(11), (December 1, 1974),1721-32	
		MICHAL, EUGENE T., et al., "METHODS AND COMPOSITIONS TO TREAT MYOCARDIAC CONDITIONS", <u>Application Serial No. 10/802,955, Filed March 16, 2004 (Docket No. 5618.P3467X)</u> , 113 pgs.	
		SARIKAYA, AYDA , et al., "Antimicrobial Activity Associated With Extracellular Matrices", <u>Tissue Engineering</u> , 8(1), (February 2002),63-71	
		SHIMIZU, TATSUYA , et al., "Cell Sheet Engineering for Myocardial Tissue Reconstruction", <u>Biomaterials</u> , 24(13), (June 2003),2309-2316	
		SHIN, HEUNGSOO , et al., "Biomimetic Materials for Tissue Engineering", <u>Biomaterials</u> , 24(24), (November 2003),4353-64	
		STOCK, ULRICH A., et al., "Tissue Engineering: Current State and Prospects", <u>Annu. Rev. Med.</u> , 52, (2001),443-51	
		TRAN, NGUYEN , et al., "Autologous Cell Transplantation and Cardiac Tissue Engineering: Potential Applications in Heart Failure", <u>Biorheology</u> , 40(1-3), (2003),411-15	
		ZHU, FANGYI , et al., "Purification, Characterization and Evaluation of Antibacterial Peptide from Resorbable Tissue Scaffold", <u>Abstracts of Papers American Chemical Society</u> , 224(1-2), (2002),BIOT 137	

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